

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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Case No: 04-11888 WGY

U.S. DISTRICT COURT
DISTRICT OF MASS.

Comcast of Southern New England, Inc.)
("Comcast"))

Plaintiff)

vs.)

Mitchell Russo)

Defendant)

**ANSWER OF DEFENDANT
MITCHELL RUSSO**

NATURE OF ACTION

1. Defendant denies the allegations contained in Paragraph 1 of Plaintiff's Complaint.
2. Defendant denies the allegations contained in Paragraph 2 of Plaintiff's Complaint.

PARTIES

3. Defendant is without sufficient information to either admit or deny the allegations contained in Paragraph 3 of Plaintiff's Complaint.
4. Defendant denies the allegations contained in Paragraph 4 of Plaintiff's Complaint.
5. Defendant admits having resided at 46 Meadowbrook Road, Chelmsford, MA 01824, otherwise Defendant denies the allegations contained in Paragraph 5 of Plaintiff's Complaint.

JURISDICTION AND VENUE

6. The allegations of Paragraph 6 contain conclusions of law to which the Defendant is not required to respond. To the extent a response is required, Defendant denies the allegations contained in Paragraph 6 of Plaintiff's Complaint.

7. The allegations of Paragraph 7 contain conclusions of law to which the Defendant is not required to respond. To the extent a response is required, Defendant denies the allegations contained in Paragraph 7 of Plaintiff's Complaint.

GENERAL ALLEGATIONS

8. Defendant is without sufficient information to either admit or deny the allegations contained in Paragraph 8 of Plaintiff's Complaint.
9. Defendant is without sufficient information to either admit or deny the allegations contained in Paragraph 9 of Plaintiff's Complaint.
10. Defendant is without sufficient information to either admit or deny the allegations contained in Paragraph 10 of Plaintiff's Complaint.
11. Defendant is without sufficient information to either admit or deny the allegations contained in Paragraph 11 of Plaintiff's Complaint.
12. Defendant is without sufficient information to either admit or deny the allegations contained in Paragraph 12 of Plaintiff's Complaint.
13. Defendant is without sufficient information to either admit or deny the allegations contained in Paragraph 13 of Plaintiff's Complaint.
14. Defendant denies the allegations contained in Paragraph 14 of Plaintiff's Complaint.
15. Defendant denies the allegations contained in Paragraph 15 of Plaintiff's Complaint.
16. Defendant denies the allegations contained in Paragraph 16 of Plaintiff's Complaint.
17. Defendant denies the allegations contained in Paragraph 17 of Plaintiff's Complaint.

COUNT I
(Violation 47 U.S.C. §553)

18. Defendant repeats his responses to the allegations contained in Paragraph 1 – 17 of Plaintiff's Complaint.

19. Defendant denies the allegations contained in Paragraph 19 of Plaintiff's Complaint.
20. Defendant denies the allegations contained in Paragraph 20 of Plaintiff's Complaint.
21. The allegations of Paragraph 21 contain conclusions of law to which the Defendant is not required to respond. To the extent a response is required, Defendant denies the allegations contained in Paragraph 21 of Plaintiff's Complaint.
22. Defendant denies the allegations contained in Paragraph 22 of Plaintiff's Complaint.
23. Defendant denies the allegations contained in Paragraph 23 of Plaintiff's Complaint.
24. Defendant denies the allegations contained in Paragraph 24 of Plaintiff's Complaint.

COUNT II
(Conversion)

25. Defendant repeats his responses to the allegations contained in Paragraph 18-24 of Plaintiff's Complaint.
26. Defendant denies the allegations contained in Paragraph 26 of Plaintiff's Complaint.
27. Defendant denies the allegations contained in Paragraph 27 of Plaintiff's Complaint.
28. Defendant denies the allegations contained in Paragraph 28 of Plaintiff's Complaint.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Plaintiff's Complaint fails to state a claim for which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiff has failed to commence this action within the applicable Statute of Limitations.


THIRD AFFIRMATIVE DEFENSE

Plaintiff's complaint is barred by the Doctrine of Laches.

WHEREFORE, Defendant prays that this Honorable Court:

1. Enter Judgment in favor of Defendant against Plaintiff on all counts of the Complaint and awards the Defendant his costs and attorney's fees;
2. Award such other relief that this Court deems just and proper.

Respectfully Submitted
For the Defendant Mitchell Russo
By His Attorney



Gregg S. Haladyna, Esquire
56 Central Square
Chelmsford, MA 01824
(978) 256-8115
BBO #547254

CERTIFICATE OF SERVICE

This will certify on this 12th day of October 2004 a true and correct copy of the above and foregoing ANSWER OF DEFENDANT MITCHELL RUSSO was forwarded via regular mail to the following: John M. McLaughlin, Esquire Green, Miles, Lipton & Fitzgibbon, 77 Pleasant Street, P. O. Box 210, North Hampton, MA 01061.



Gregg S. Haladyna, Esquire